

REMARKS

Claims 1-16 are pending in this application. Claims 1 and 12 have been amended.

Claims 15-16 have been added without the addition of any new matter. In accordance with the Action, Claims 2 and 13 have been rewritten in independent form to include all of the features of the base claim and any intervening claims and therefore should be deemed allowable.

Claims 1, 4-5, 8-12, and 14 stand rejected under 35 U.S.C. § 102(e) as being unpatentable over Gustafsson (U.S. Patent No. 6,351,647). Applicant respectfully traverses these rejections, and requests allowance thereof in the pending application for the following reasons.

Substance of Examiner Interview

Applicant acknowledges with appreciation the courtesy extended to Applicants' representative by the Examiner during the interview conducted on January 30, 2004.

Applicant and Examiner discussed the allowability of independent claim 1 in view of the prior art cited, Gustafsson. The examiner maintained the rejection of the last office action mailed December 15, 2003 for this claim in view of arguments presented by representative.

In response to the maintained rejection, representative suggested claim amendments relating to amending claim 1 to clarify that the recited wireless terminal is non-fixed to further distinguish the present invention from the cited art. In response to these suggestions, Examiner mentioned the possibility of these amendments overcoming the current claim rejection since Examiner welcomed and requested amendments further clarifying the wireless terminal from the fixed wireless terminal (mobile service center) of the cited art.

Also, representative agreed to amend claims 2 and 13 into independent form, including all the features of the independent claim and any intervening claims, to become allowable as first suggested in the Office Action mailed December 15, 2003. Representative notes that it appears in the Interview Summary that this amendment of claims 2 and 13 into independent form is not precisely stated as the summary should read that "...the applicant agrees to incorporate the allowable subject matter of claim 2 into claim 1 as amended claim 2, and of claim 13 into claim 12 as amended claim 13." Appropriate correction to the Interview Summary is respectfully and immediately requested.

Representative has amended the independent claims in accordance with these amendment suggestions.

The Claims are Patentable Over the Cited References

Claims 1, 4-5, 8-12, and 14 are not anticipated by Gustafsson

Claims 1, 4-5, 8-12, and 14 stand rejected under § 102(e) in view of Gustafsson. Applicant strongly contends that Gustafsson fails to disclose the features recited in these claims such as inquiring to the terminal location database by a mobile wireless terminal for a position information of a destination mobile wireless terminal of the wireless terminal, and communicating with the destination wireless terminal to share data between the wireless terminal and the destination wireless terminal when the wireless terminal has received the position information of the destination wireless terminal from the terminal location database.

Gustafsson fails to disclose the recited features. Gustafsson solely discloses a wireless location-dependent services method where a mobile subscriber may receive broadcast location information from a nearby base station, and then send a service request (including the location information) to the wireless network to receive back location-dependent services (e.g., weather report) again through the wireless network from a fixed service center. (see FIGs. 2-5; Abstract; col. 4, lines 1-24).

Specifically, Gustafsson states that "...the mobile station of the invention receives a broadcast and picks the location information from the transmission...mobile station sends a service request via the mobile network to the service unit...the unit providing the service selects the service requested...and sends this service announcement to the mobile subscriber to the mobile network, such as a short message via the short message service center." (see FIGs. 2-5; col. 4, lines 1-24). Thus, Gustafsson completely omits any mention of inquiring to a terminal location database by a mobile wireless terminal for position information, or communicating with a destination mobile wireless terminal to share data between the wireless terminal and the destination wireless terminal as recited since in strong contrast Gustafsson solely receives a broadcast of location information (not in response to an inquiry), and does not communicate between a mobile station and a destination mobile station, and solely communicates via the mobile network.

Applicant strongly contends that inquiring to a terminal location database by a mobile wireless terminal for position information of a destination mobile wireless terminal of the wireless terminal as recited is significantly different from receiving a broadcast from a base station (not in response to an inquiry) as disclosed by Gustafsson. Also, Applicant strongly

contends that a destination mobile wireless terminal as recited is significantly different from a fixed service center, and communicating to share data between a mobile wireless terminal and a destination mobile wireless terminal as recited is significantly different from communicating via a mobile network between a mobile subscriber and a fixed service center.

Therefore, Gustafsson fails to disclose inquiring to a terminal location database by a mobile wireless terminal for position information of a destination mobile wireless terminal, and communicating with the destination wireless terminal to share data between the wireless terminal and the destination wireless terminal as recited making the claimed invention patentably distinct from

the cited reference.

Conclusion

In view of the amendments and remarks submitted above, it is respectfully submitted that all of the remaining claims are allowable and a Notice of Allowance is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Clint Gerdine (Reg. No. 41,035) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Clint Gerdine
Clint A. Gerdine, #41,035

2565-0210P
CAG:tm:kss

P.O. Box 747

(703) 205-8000